

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

WANDA MORRIS,

Plaintiff,

vs.

No. _____

JURY DEMANDED

TARGET CORPORATION,

Defendant.

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, the defendant, Target Corporation (“Target”), by and through counsel, hereby files this Notice of Removal, and states to the Court as follows:

1. This civil action was originally filed on August 3, 2020, in the Circuit Court of Shelby County, Tennessee for the Thirtieth Judicial District at Memphis and was assigned Docket No. CT-3101-20 (a copy of all process, pleadings, and orders served upon such defendant in this action are attached as **Exhibit A** and a copy of the state court record is attached hereto as **Exhibit B**).

2. Target was served with process in the state court action on August 10, 2020, through service on its registered agent, CT Corporation. *See* August 10, 2020 Service of Process Transmittal in **Exhibit A**. Removal to this Court is proper pursuant to 28 U.S.C. § 1446(b); and Target’s Notice of Removal is timely as it is filed within thirty (30) days of service of the Complaint upon it and less than one (1) year after commencement of the state court action.

3. Upon information and belief, Plaintiff Wanda Morris is a citizen and resident of Shelby County, Tennessee. **Exhibit A**, Complaint at ¶ 1.

4. Target is now and has at all relevant times been a corporation organized and existing

under the laws of the State of Minnesota and having its principal place of business in the State of Minnesota.

5. Venue is proper in this Court pursuant to 28 U.S.C. 1441(a) because the United States District Court for the Western District of Tennessee, Western Division, is the federal judicial district embracing the Circuit Court of Shelby County, Tennessee for the Thirtieth Judicial District at Memphis, where the civil action was originally filed.

6. This Court has jurisdiction over this controversy pursuant to 28 U.S.C. § 1332. The first prong of the jurisdictional statute is met as there exists complete diversity of citizenship between Plaintiff, whose residency for diversity purposes is Tennessee, and Target, whose residency for diversity purposes is Minnesota. This is, therefore, a civil action between citizens of different states, and complete diversity exists between the parties. *See* 28 U.S.C. § 1332.

7. The second prong of 28 U.S.C. § 1332 is met as the amount in controversy exceeds \$75,000.00, exclusive of interest and costs. In her Complaint, Plaintiff seeks compensatory damages in the total amount of \$1,000,000. **Exhibit A**, Complaint at ¶ A in *ad damnum* clause.

8. This action is now removable pursuant to 28 U.S.C. §§ 1441(a) and 1446(b), and written notice of the filing of this Notice of Removal and copies of all process, pleadings, and orders will be served upon Plaintiff's counsel as required by law. In addition, pursuant to 28 U.S.C. § 1446(d), a Notice of Filing, attaching a copy of this Notice of Removal as an exhibits thereto, will be filed with the Circuit Clerk of Shelby County, Tennessee for the Thirtieth Judicial District at Memphis.

9. Removal of this action is not an admission of any allegation or waiver of any defense, and Target expressly reserves its right to raise any and all defenses.

WHEREFORE, PREMISES CONSIDERED, the defendant, Target Corporation, by and

through counsel, respectfully submits this Notice of Removal from the Circuit Court of Shelby County, Tennessee for the Thirtieth Judicial District at Memphis to the United States District Court for the Western District of Tennessee, Western Division.

Respectfully submitted,

HICKMAN GOZA & SPRAGINS, PLLC

By: /s/ Dawn Davis Carson
Dawn Davis Carson (21416)
Hal S. (Hank) Spragins Jr. (30360)
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CERTIFICATE OF SERVICE

I do hereby certify that I have on this date electronically filed the foregoing document, Notice of Removal, with the Clerk of the Court using the ECF system which sent notification of such filing to all counsel of record, including:

Mark Lambert, Esq.
John Michael Bailey Injury Lawyers
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Memphis, TN 38115
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Dated: September 4, 2020

/s/Dawn Davis Carson
Dawn Davis Carson, #021416
Hal S. (Hank) Spragins Jr., #030360